

Application for a Non-material amendment to Planning Permission F/TH/16/0952 – 131-137 King Street Ramsgate

Planning Committee – 22nd January 2020

Report Author **Duncan Fitt, Planning Officer**

Status **For Decision**

Classification: Unrestricted

Ward: **Eastcliff**

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/16/0952 Erection of a 4 storey building comprising 14No. flats and 4No. 2-bed dwellings following demolition of existing garage/storage unit. The application is reported to members as the applicant is Thanet District Council.

The proposed changes involve alterations to the design, fenestrations and footprint of the buildings and the landscaping. The report outlines the non-material procedure and the consideration for this application, concluding that the changes proposed are considered non-material to the original permission.

Recommendation:

Members approve the application for a non-material amendment to planning permission under reference F/TH/16/0952.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
Legal	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p>
Corporate	The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and

	promoting inward investment through setting planning strategies and policies that support growth of the economy.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Background

- 1.1 The site is located towards the northern end of King Street opposite Sussex Street and was most recently used for informal storage and parking.
- 1.2 Planning permission was granted in 2016 under reference F/TH/16/0952 for the erection of a 4 storey building comprising 14No. flats and 4No. 2-bed dwellings following demolition of existing garage/storage unit by Planning Committee in September 2016.
- 1.3 An application has subsequently been made to the Council under Section 96A of the Town and Country Planning Act 1990 to make a non-material amendment to the development as approved in 2016. The proposed changes involve alterations to the design, fenestrations and footprint of the buildings and the landscaping.
- 1.4 The application for a non-material amendment is reported to the Planning Committee as the applicant is Thanet District Council.

2.0 Outline of Process

- 2.1 The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non-material changes to existing planning permission through an application with a quicker decision time (28 days), to deal with new issues that may arise after permission has been granted (for example to resolve issues found during construction).
- 2.2 There is no statutory definition for what constitutes a 'non-material' change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and "what may be non-material in one context may be material in another". Section 96A of the Planning Act states that "in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

- 2.3 The decision for the Council is whether the change is non-material or material to the planning permission. If the change is considered 'material' then a planning application would need to be submitted under Section 73 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application).
- 2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.

3.0 Analysis

- 3.1 The applicant has submitted elevations, floor and layout plans showing the amendments to the scheme.

Landscaping and Layout

- 3.2 The area of hardstanding at the north of the site has been reduced in size and the play area in the centre of the site has been increased in area. The approved 1.5m high fencing around the play area would be replaced with 1m high fencing and access to the play area would be provided by steps from the public footpath running through the centre of the site and level access opposite house number 4. This alteration increases the area of soft landscaping and reduces the height of the proposed fencing whilst maintaining the open area between the properties in the centre of the site.
- 3.3 The pathway to the houses at the rear of the site has been altered to reduce the gradient improving access to these properties. Whilst the route of the path has been amended. Due to the location of this alteration in the centre of the site it is not considered to be highly prominent.
- 3.4 The arrangement of the front gardens of the mews houses would be altered to follow the amended path and the rear gardens of these properties would be amended to increase the size of the patio area adjacent to the rear elevation. Timber sleepers would be used to retain the garden behind the patio area. The alterations to the front gardens are considered to be limited in nature and the rear gardens are a private space and therefore the proposed changes are only likely to be apparent to the future residents.
- 3.5 Retractable bollards are proposed at the King Street entrance to the site to prevent unauthorised access and fixed bollards are proposed at the rear of this area to prevent vehicles entering the rear of the site. The proposed bollards are limited in number and three bollards have been approved at the rear of this side access.
- 3.6 Brick buttresses have been added to support the wall on the northern boundary of the site. These would be constructed from brick to match the main property and are therefore not considered to be a prominent feature.
- 3.7 The alterations to the landscaping and layout of the site are located to the side and rear of the main flat development and do not significantly alter the arrangement or appearance of the development. The alterations to the layout and landscaping of the site are therefore considered to be non-material.

Flat development and houses

- 3.8 A brick detail would be added to the mews houses between the ground and first floor and the porch canopies would be altered from pitched roofs to flat roofs. The brick detail would be completed using brickwork to match the main building and given the location of these houses the alteration of the porch canopies is not considered to be prominent change.
- 3.9 The stone banding and headers would be removed from rendered areas of the flats and the northern dormer on the front elevation would be clad with zinc to match the other dormers on the King Street Elevation. The pattern of windows across the flats would be altered to give a more traditional arrangement and the central parapet wall would be removed as the internal changes to the property have resulted in the spine wall being off centre. These changes give a consistent appearance across the building and due to the height of the dormer this change is not considered to be significantly visible.
- 3.10 The door to the bin store on the northern elevation would be moved 0.4m towards the front elevation and the external door to flat 3 in this elevation would be replaced with a window following the pattern of the windows above. Fencing would be provided to the amenity area in front of this window to prevent public access to this area. The side entrance door would be moved 1m to the north to create a flush elevation. The alterations to this elevation are considered to be minor in nature.
- 3.11 The internal arrangement of the flats and houses has been altered however this does not alter the number of bedrooms in the units provided. The side windows in the houses would be removed and the north eastern corner of the flats would be increased by 1m towards the north and the corner of the boundary altered to create an enlarged amenity space for flat 1. The main entrance door to the flats at the rear of the building would be altered from double doors to a door and a window and moved 0.8m to the east to create a flush elevation. The flat roof canopy over the main entrance to the flats would also be reduced in size. These alterations are limited in scale given the overall size of the development and are located towards the centre of the site.
- 3.12 Whilst there are a number of alterations proposed they are all minor in nature and given the overall scale of the proposed scheme, the proposed changes are not considered to significantly alter the design of the development or result in any other material changes to the scheme. As such the proposed changes are considered to be non-material.

4.0 Options

- 4.1 Members approve the application in accordance with the officer recommendation.
- 4.2 Members propose an alternative motion.

5.0 Recommendations

- 5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Annabel Hemmings, Principal Planning Officer</i>

Background Papers

MHCLG	https://www.gov.uk/guidance/flexible-options-for-planning-permissions
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